



If the fair hearing decision has been issued, the fair hearing is reopened under a new fair hearing number. The directives contained in the issued decision remain intact until such time as a new fair hearing decision is issued. The threshold issue becomes whether the client had good cause for failing to appear at the hearing. If the Commissioner determines good cause, the merits of the alleged fraud will be addressed in the new decision issued which will vacate the original decision.

Client Requests Reopened Hearing Within 30 Days Following the Issuance Date of the Decision Claiming Non-Receipt of the Notice:

An Administrative Disqualification Hearing (ADH) will be reopened after the decision has been issued when the client claims not to have been notified of the hearing date. The request for such reopen must be made within 30 days following the issuance date of the decision. The client is informed that the hearing will be reopened and that the client will be notified by mail of the new hearing date. The following steps are taken:

1. The client's address is verified and the system is modified to reflect any changes, if necessary.
2. The Fair Hearing Information System (FHIS) is accessed to assign a new fair hearing number. On the New Request Screen (selection 02), client information is input to generate the new fair hearing number. All the original hearing information, (including comments, fair hearing number, and date), and a reference that this is a reopened hearing, are input onto the Comment screen.
3. A Screen Print is made of the New Request Screen. The Screen Print will serve as the actual 1891 for the new request.
4. A new file folder is prepared, the original file folder is pulled and placed in the new file folder. For Upstate cases, the hearing will be rescheduled on the next available Public Assistance (non-ADH) calendar. NYC reopened hearings will be rescheduled on the next available ADH calendar.
5. When the hearing is scheduled, the client is sent a reschedule notice with the new date and time of the hearing and a copy of the evidentiary packet.

Directives contained in the issued decision remain intact until the new decision is issued or a new hearing disposition is entered. The threshold issue becomes verification of receipt of notice. If the Commissioner determines that the client did receive the Notice of Hearing, the decision will state that no just cause was found to vacate the prior decision. Should the Commissioner determine that the client did not receive the Notice of Hearing, the decision will vacate the prior decision and address the merits of the alleged fraud. If the client does not appear at the second hearing, the hearing is defaulted.

Questions regarding this transmittal may be directed to Ed McCarthy at (518) 473-8920 or e-mail LA0088 or Susan Fiehl at (518) 473-4779 or e-mail 90J029.  
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